

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DONALD PATTERSON,

Petitioner,

Case Number: 5:07-CV-14211

v.

HON. JOHN CORBETT O'MEARA

SHERRY BURT,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

Petitioner Donald Patterson, a state inmate currently incarcerated at the Parnall Correctional Facility in Jackson, Michigan, filed a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Respondent filed a Motion for Summary Judgment, which the Court denied. Now before the Court is Petitioner's Motion for Reconsideration.

When the Court denied Respondent's Motion for Summary Judgment, the Court also ordered Respondent to file an answer addressing the merits of the petition by March 20, 2009. Petitioner's Motion seeks reconsideration of that portion of the Court's Order. Motions for reconsideration may be granted when the moving party shows (1) a "palpable defect," (2) by which the court and the parties were misled, and (3) the correction of which will result in a different disposition of the case. E.D. Mich. L.R. 7.1(g)(3). A "palpable defect" is a "defect which is obvious, clear, unmistakable, manifest or plain." *Olson v. The Home Depot*, 321 F. Supp. 2d 872, 874 (E.D. Mich. 2004). Petitioner argues that Respondent should have addressed the merits of the petition in her Motion for Summary Judgment and that allowing her additional time to file a responsive pleading will result in undue delay. Petitioner has failed to show that

the Court's decision to order a responsive pleading was the result of a palpable defect. Instead, he simply disagrees with the Court's decision, which is an insufficient basis upon which to grant reconsideration. Accordingly,

IT IS ORDERED that Petitioner's Motion for Reconsideration [dkt. #16] is **DENIED**.

s/John Corbett O'Meara
United States District Judge

Date: April 24, 2009

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, April 24, 2009, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager